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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SERGEY MKHITARYAN and SUREN
MKHITARYAN,

Plaintiffs,

v.

U.S. BANCORP, et al.,

Defendants.

2:11-CV-1055 JCM (CWH)

ORDER

Presently before the court is plaintiffs Sergey and Suren Mkhitarian's motion seeking reconsideration of this court's order (doc. #78) denying plaintiffs' motion seeking leave to file a fourth amended complaint. Doc. #82.

Motions for reconsideration "should not be granted, absent highly unusual circumstances." *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). These circumstances are present where "the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law." *Id.* Plaintiffs motion argues that the court committed clear error by ruling on the motion prior to their reply being due.

The court, having received no reply in support of the motion to amend by the July 16, 2012, deadline, entered its order denying the motion on July 26, 2012. Plaintiffs have now brought to the court's attention that they previously stipulated to extend the reply deadline until July 30, 2012. Accordingly, the court entered its order on the motion prior to it becoming ripe. Such a situation

1 satisfies the requirements and policies this court looks to in deciding whether to reconsider an order.

2 Accordingly,

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs' motion to
4 reconsider (doc. #82) be, and the same hereby is, GRANTED.

5 IT IS THEREFORE ORDERED that this court's order denying the fourth motion to amend
6 (doc. #78) be, and the same hereby is, VACATED as to the denial of the fourth motion to amend
7 (doc. #54) only.

8 IT IS FURTHER ORDERED that plaintiffs shall have until close of business on Friday,
9 August 3, 2012, to file any reply in support of the motion seeking leave to file a fourth amended
10 complaint (doc. #54). The court is mindful of the possibility that plaintiffs may have included all
11 of the arguments planned for the reply in their motion to reconsider; thus if no reply is filed by
12 August 3, 2012, the court will treat the instant motion as a reply in support of the motion to amend.

13 DATED August 1, 2012.

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16 UNITED STATES DISTRICT JUDGE
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